

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED
July 28, 2011

No. 11-90023

Lyle W. Cayce
Clerk

JEWELL WILLIAMS,

Plaintiff – Petitioner

v.

CHESAPEAKE OPERATING, INCORPORATED; CHESAPEAKE
LOUISIANA, L.P.; CHESAPEAKE ENERGY CORPORATION,

Defendants – Respondents

Motion for Leave to Appeal Under
Federal Rule of Civil Procedure 23(f)

Before HIGGINBOTHAM, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:*

This petition comes to us seeking permission to appeal an order striking the class allegations from plaintiff's complaint and denying as moot plaintiff's motion to certify the class. As we read the district court's order, instead of ruling on class certification, it struck the claims of the putative class upon holding that under Louisiana law individual notice of claims were required and notice by a class representative was not sufficient. Among other difficulties, the putative

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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class members were not yet before the court, so the court's substantive ruling that they had no claim is not binding upon any individual members of the putative class.

Because we understand the district court to have dismissed the absent class members' claims on substantive grounds, rather than addressing the motion for class certification (which it denied as moot), we lack jurisdiction to entertain this petition under Federal Rule of Civil Procedure 23(f). We dismiss the petition for want of jurisdiction.